

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DENNIS MARTIN,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-21-93-D
)	
L. PETTIGREW, Warden)	
)	
Respondent.)	

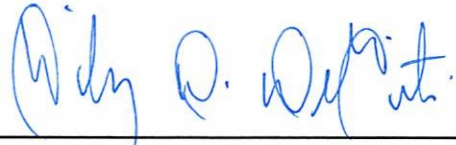
ORDER

Upon review of the file and noting no timely objection to the findings and recommendations of United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C § 636(b)(1), the Court adopts the Report and Recommendation [Doc. No. 17] in its entirety. For the reasons stated therein, the Petition for Writ of Habeas Corpus [Doc. No. 1] should be and is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court must issue or deny a certificate of appealability (“COA”) when it enters a final order adverse to a petitioner. A COA may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003); *see also Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Upon consideration, the Court finds the requisite standard is not met in this case. Therefore, a COA is denied.

IT IS SO ORDERED this 20th day of August, 2021.



TIMOTHY D. DeGIUSTI
Chief United States District Judge